

DETAILED ACTION**37 CFR 1.105 REQUIREMENT FOR INFORMATION**

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

On Applicant's website (<www.accuck2000.com>), Applicant advertises a chiropractic diagnostic method named ACCUCK 2000. ACCUCK 2000 is stated to be a patented procedure that evaluates physical health through an ingenious four step pressure point system -- similar to the method claimed in the instant application (see supplied printout of website).

First, the pre-grant publication of the present application and the publication of the PCT application PCT/US04/33723 are the only patent-related publications by the instant inventor that were located by the Examiner. No patents in the name of the instant inventor were found. As such, Examiner is requesting information on the advertised issued patent so that he can compare the four step pressure point system to the present invention.

In the event that the "patent" is actually the U.S. application, its PGPub, or the related PCT publication, Examiner is requesting information on when the subject matter involved was available to the public. On the ACCUCK 2000 website, Dr. Lorente refers to ACCUCK 2000 in a seminar given during fall of 1998 (see supplied printout of website). Moreover, on another website (<www.signaturechiro.com>), Applicant states that the ACCUCK 2000 method

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"will elevate this field of endeavor to astounding heights as we enter the next millennium", which appears to be a reference to the year 2000 (see supplied printout of website). As such, information regarding ACCUCK 2000 appears to have been available to the public prior to the 10/13/2003 (the filing date of the instant application).

Under rule 1.105 the Examiner is requiring the Applicant to submit the following information regarding the ACCUCK 2000 method (see list in MPEP 704.11(a)):

- The citation for, the dates initially published, and copies of any advertising and promotion literature prepared for any goods or services that claimed subject matter has been embodied in
- The citation for and copies of any journal articles describing any goods or services the claimed subject matter has been embodied in
- Any written descriptions or analyses prepared by any inventors or assignees, of goods or services in competition with the goods or services the claimed subject matter has been embodied in
- Identification of pending or abandoned applications filed by the applicant or assigned to the same assignee as the current application that disclose similar subject matter that are not otherwise identified in the current application.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication

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responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The Applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the Applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW IWAMAYE whose telephone number is (571)270-7036. The examiner can normally be reached on Monday-Friday 7:30AM-5:00PM, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on (571)272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. I./
Examiner, Art Unit 3774
10/8/2009

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Supervisory Patent Examiner, Art Unit 3774